

AMENDED IN SENATE APRIL 28, 2004

Senate Joint Resolution

No. 29

Introduced by Senator Kuehl

April 14, 2004

Senate Joint Resolution No. 29—Relative to food marketing and advertising directed to children.

LEGISLATIVE COUNSEL'S DIGEST

SJR 29, as amended, Kuehl. Food marketing and advertising directed to children.

This measure would request specified federal, ~~state, and local~~ officials and entities and private industries to take various actions concerning foods and beverages that are advertised or marketed to children.

Fiscal committee: ~~yes~~ *no*.

1 WHEREAS, California is in the midst of a growing epidemic
2 of overweight children and childhood obesity due to poor diet and
3 physical inactivity, putting growing numbers of California
4 children at increased risk for type II diabetes, hypertension, heart
5 disease, and cancer, along with psychosocial problems including
6 low self-esteem, poor body image, and symptoms of depression;
7 and

8 WHEREAS, A recent study showed that 26.5 percent of
9 California youth in grades 5, 7, and 9 are overweight, with rates
10 being even higher for African-American children (28.6 percent)
11 and Latino children (33.7 percent); and

12 WHEREAS, In California, annual obesity-attributable medical
13 expenditures were estimated at \$7.7 billion in 2003, with

1 approximately one-half of these expenditures financed by
2 Medicare and Medi-Cal; and

3 WHEREAS, Healthy eating and physical activity, including
4 eating five or more servings of fruits and vegetables every day, are
5 vital to preventing people from being overweight or suffering from
6 heart disease, cancer, or diabetes, and ensuring children's health
7 and well-being; and

8 WHEREAS, Poor diet and physical inactivity are responsible
9 for 400,000 deaths in the United States annually and may soon
10 overtake tobacco as the leading cause of death; and

11 WHEREAS, The growing epidemic of childhood obesity has
12 brought renewed attention to the role that food and beverage
13 advertising and marketing play in negatively influencing eating
14 habits of youth; and

15 WHEREAS, The food, beverage, and restaurant industries
16 recognize children as a major market force because of their
17 spending power, purchasing influence, and anticipated brand
18 loyalty as adult consumers, with children under 14 years of age
19 purchasing \$24 billion in products and influencing \$190 billion in
20 family purchases each year; and

21 WHEREAS, Children are being exposed to increasing amounts
22 of marketing and advertising, with \$15 billion spent marketing to
23 children in the United States in 2002, double the amount spent in
24 1992; and

25 WHEREAS, The food, beverage, and restaurant industries
26 utilize multiple strategies to market their products to children,
27 including television advertising, in-school marketing, the Internet,
28 product placements, toys, books, and clothes with food-brand
29 logos, contests, celebrity and cartoon spokespeople, and child
30 targeted in-store and restaurant promotions; and

31 WHEREAS, Children view an estimated 40,000 commercials
32 each year, 50 percent of which advertise food products—most
33 often products that are high in calories, fats, sugars, and salt, with
34 almost no references to fruits or vegetables. Children watch an
35 average of one food commercial every five minutes of television
36 viewing time, and as many as three hours of food commercials
37 each week. Latino and African-American children are exposed to
38 more television food advertising than other children; and

39 WHEREAS, In-school marketing of food and beverages has
40 become increasingly prevalent in recent years and includes: (1)



product sales, including sales through vending machines, a la carte, snack bars, soft drink “pouring-rights” agreements through exclusive contracts, branded fast food, and fundraisers; (2) direct advertising, such as food and beverage ads in schools; and (3) indirect advertising, such as corporate-sponsored educational programs, sports team sponsorships, and incentive programs using contests and coupons; and

WHEREAS, The majority of the foods and beverages sold in school vending machines and school stores are calorically dense and low in nutrients, which promotes purchasing and consumption of these foods while children are away from their parents in a captive environment that is supposed to be dedicated to education; and

WHEREAS, Studies show that food advertising and marketing result in more favorable attitudes, preferences, and behaviors among children towards the advertised products and that children’s food preferences and food purchase requests for high sugar and high fat foods are influenced by television exposure to food advertising; and

WHEREAS, Parents face increasing strain between their desire to feed their children well and the intense marketing of high calorie, low-nutrition food and beverages to their children; and

WHEREAS, In 2003, the World Health Organization concluded that the extensive marketing to children of fast food and high calorie, micronutrient-poor foods and beverages are a probable causal factor for the accelerating global trend in weight gain and obesity; and

WHEREAS, Children are particularly vulnerable to marketing of unhealthy foods and beverages because children under the age of 4 or 5 years cannot distinguish between television programming and advertisements, and children age 8 and under are unable to comprehend the persuasive intent and biased nature of advertising, making advertising to young children fundamentally unfair; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, Jointly, That the Legislature of the State of California memorialize the Congress and the President of the United States to require the Federal Trade Commission to (1) develop and implement nutrition standards for foods and beverages that are acceptable to advertise or market to children, including foods and

1 beverages that make a positive contribution to children's diets and
2 health by being moderate in portion size, calories, saturated fat,
3 trans fat, refined sugars, and sodium, and provide key nutrients and
4 (2) prohibit advertising and marketing of foods and beverages that
5 do not meet those standards through broadcast, print, Internet, or
6 other marketing venues for which a significant portion of the
7 audience is children; and be it further

8 *Resolved*, That the Legislature memorialize the Congress and
9 the President of the United States to require the Federal
10 Communications Commission to ensure that equal time is given
11 during television programs that have a significant youth audience
12 to encourage fruit and vegetable consumption and physical
13 activity, and discourage consumption of low nutrient foods and
14 beverages. These messages must be produced and delivered by
15 individuals and organizations that have no financial interest in the
16 message; and be it further

17 *Resolved*, That the Legislature memorializes the Congress and
18 President of the United States to fund media campaigns to promote
19 healthy eating and physical activity, like the Centers for Disease
20 Control and Prevention's VERB campaign and the National 5 A
21 Day program; and be it further

22 *Resolved*, That the Legislature memorializes the Centers for
23 Disease Control and Prevention and the National Institutes of
24 Health to fund research studies to further assess the effects of food
25 and beverage advertising and marketing on the diets and health of
26 children and adolescents; and be it further

27 *Resolved*, That the Legislature calls on food and beverage
28 companies, restaurants, retail stores, advertising agencies, sports
29 and entertainment industries, and print, broadcast, and Web-based
30 media operating in California to adhere to a voluntary code of
31 practice, developed by experts identified by the State Department
32 of Health Services, that would contain guidelines and standards for
33 responsible food and beverage advertising and marketing aimed at
34 children; and be it further

35 ~~*Resolved*, That the Legislature encourages the Superintendent~~
36 ~~of Public Instruction, the State Department of Education, and local~~
37 ~~school districts to designate K-12 schools as~~
38 ~~"junk food advertising free zones," where children and~~
39 ~~adolescents can pursue learning free of commercial influences and~~



1 ~~the pressure to consume low nutrient foods and beverages; and be~~
2 ~~it further~~

3 *Resolved*, That the Secretary of the Senate transmit copies of
4 this resolution to the President and Vice President of the United
5 States, the Speaker of the House of Representatives, the Majority
6 Leader of the Senate, and each Senator and Representative from
7 California in Congress.

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